

VARIANCE

PROCESS GUIDE & APPLICATION

City of Buckeye Development Services Department

530 East Monroe Avenue Buckeye, Arizona 85326

Phone: 623.349.6211 Fax: 623.349.6222 www.buckeyeaz.gov

APPLICATION PROCEDURES VARIANCE

Important Information:

- In accordance with A.R.S. § 9-462.06, a variance may not be granted unless evidence is presented that satisfy the following conditions:
 - There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of the Development Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;
 - o Such special circumstances were not created by the property owner; and
 - o The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

The following information is provided to assist in the preparation and submittal of an application for a variance for a property within the City of Buckeye or to obtain an interpretation of the City Development Code. The request will be considered and a final decision will be made by the City Council acting as the Board of Adjustment at a public hearing.

- Application Filing For an application to be accepted, the applicant must provide all of the required information described on the submittal checklist at the time of formal submittal. It shall be the responsibility of the applicant to ensure the accuracy and completeness of the request. Applications received after 4:00 p.m. will be processed the next business day. Incomplete applications will NOT be accepted.
- 2. Staff Review Once a complete application is received and processed, the submitted information will be assigned to a Planner and routed by a Plans Coordinator to appropriate City staff and agencies for review/comment. After this review, the Plans Coordinator collects and consolidates the comments, which are then returned to the applicant. Any technical questions should be addressed with the assigned Planner who will facilitate any needed communications or meetings with the appropriate city departments.

The applicant is then responsible for addressing the comments and submitting revised plans. Upon resubmittal, the staff review process will begin again albeit

- at an expedited pace. In some cases, it is necessary to have several resubmittals before moving the request forward in the process.
- 3. Public Notification Upon the scheduling of any public hearing and no later than fifteen (15) days prior to its occurrence, it is the responsibility of the applicant to notify all property owners within three hundred (300) feet of the subject property. Notification shall be in the form of a letter delivered via First Class U.S. Mail, a sign(s) posted adjacent to all public rights-of-way, and publication within a widely circulated newspaper throughout the City (i.e. The Arizona Republic). All notifications should contain, at minimum, the following information; description of the Site Plan request, owner/applicant contact information, and public hearing time/date/location. Upon completion of the above-mentioned notification requirements, an Affidavit of Mailing, an Affidavit of Posting, and Proof of Publication shall be submitted to the assigned Planner not less than ten (10) days prior to the public hearing. Failure to submit the requested information will result in the postponement of the public hearing item.

The Planning Manager may expand the notification area set forth in this section if it is determined that the potential impact of the project extends beyond the required notification boundary.

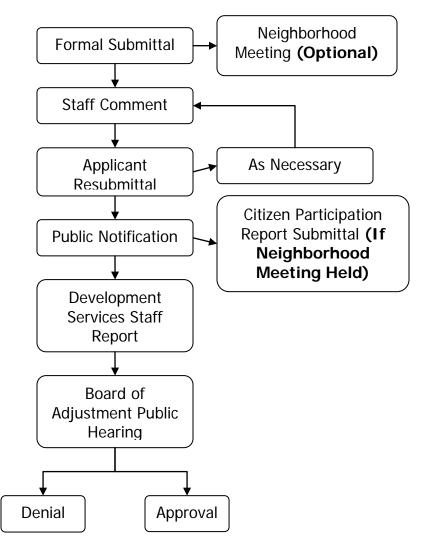
- 4. Staff Reports Once all staff comments have been addressed and a hearing has been scheduled, the assigned Planner will prepare a report describing and evaluating the proposed project and making a recommendation for action to the City Council acting as Board of Adjustment. Copies of the staff report will be made available to the public and sent to the applicant prior to each hearing.
- 5. *City Council Public Hearing* Regular City Council hearings occur on the first (1st) and third (3rd) Tuesday of each month at 6:00 p.m. Regular meetings are held in the City Council Chambers, located at 530 E Monroe Avenue. The applicant, owner, or appointed representative must be present at the hearing. The City Council, taking into consideration staff presentation, owner/applicant/project representative presentation, and public testimony, will approve, approve with modifications and/or stipulations, continue, or deny the request.
- 6. Inactive Cases All applications need to be actively pursued to a decision. If the City has completed any and all appropriate reviews and no activity has occurred for the continued processing of the application on behalf of the applicant for at least for one hundred eighty (180) days, the application will be considered inactive, deemed to be withdrawn, and the file will be closed. Thirty (30) days prior to the inactive date, staff will notify the applicant in writing of the impending action. The applicant may submit a written request for the application to remain active along with an explanation for the inactivity. The Planning Manager may grant an extension for up to one hundred eighty (180)

VARIANCE

Revised November 2014

days for good cause if there is reasonable belief that the application will be actively pursued during the extension period.

Variance Process



SUBMITTAL CONTENT REQUIREMENTS

- 1. **Application -** (Complete and signed application containing all information relative to a site plan. If the applicant is not the property owner, the applicant must provide authorization from the property owner that the application is being filed with their permission.)
- 2. Fee Worksheet with appropriate fee
- 3. **Project Narrative** Describe the current conditions of the site and the conditions that have prompted the request for a variance. Include rationale and justification for the variance in accordance with Arizona State Statutory requirements. Please include exhibits where necessary and appropriate.
- 4. **Conceptual Layout Plan** Submit a conceptual illustration, to scale and with dimensions, illustrating the condition of the site as it currently exists. In as much detail as possible, diagram the changes being requested for the site.
- 5. **Additional Material** The Development Services Department may request additional submittal items.

Variance 1st Submittal Checklist

(Please provide original list with formal submittal)

REQUIRED MATERIALS	Applicant Checklist	Staff Verification
Application – 3 copies		
Completed Fee Worksheet w/ Appropriate Fee		
Project Narrative – 3 copies		
Conceptual Layout Plan		
Additional Materials (3 copies):		

Subsequent Submittals:

Submit three (3) copies of all requested materials to the Development Services Department.



CITY OF BUCKEYE PLANNING AND ZONING PROJECT APPLICATION

DO NOT WRITE IN THIS AREA-OFFICIAL USE ONLY					
Date:	Planner:		Case N	No:	
PROPERTY INFOR					
	ation:				
=	rict:			Quarter Section:	
Request:					
CASE TYPE:					
		•		☐ Preliminary Plat	
☐ General Plan Ame	ndment (major/minor)	☐ Temporary Use Perm		☐ Final Plat	
☐ Site Plan		☐ Community Master Pl	an	☐ Rezoning	
☐ Area Plan		☐ Map of Dedication		☐ Variance	
IMPORTANT NOTE ABOUT PROJECT CONTACT:	NOTE ABOUT PROJECT application conferences and public hearings, will receive the agenda, recommendations, and case reports, and will communicate all case information to other parties as required. All contact for this project will be made through the				
CONTACT INFORM	MATION:				
	:				
Address:		City:		State:	Zip:
Owner Contact:			Developer Contact:		
			Company:		
Phone:Fax:			Phone:	Fax:	
E-mail:			E-mail:		
City:	State:	Zip:	City:	State:	Zip:
Architect Contact	:		Engineer Contact:		
			_		
	Fax:			Fax:	
E-mail:			E-mail:		
City:	State:	Zip:	City:	State:	Zip:
PROPOSITION 207 WAIVER The property owner acknowledges that the approval being sought by this application may cause a reduction in the existing rights to use, divide, sell or possess the private property that is the subject of this application. The property owner further acknowledges that it is the property owner who has requested the action sought by the filing of this application. Therefore, pursuant to A.R.S.§12-1132 through 1138, the property owner does hereby waive any and all claims for diminution in value of the property with regard to any action taken by City of Buckeye as result of the filing of this application.					
Owner Signature		Date	Applicant Signature		Date
	_	_	_		

DEVELOPMENT SERVICES DEPARTMENT
530 East Monroe Ave, Buckeye AZ 85326 Phone 623.349.6211 Fax 623.349.6222



CITY OF BUCKEYE

PLANNING AND ZONING PROJECT APPLICATION

DO NOT WRITE IN THIS AREA-OFFICIAL USE ONLY					
Date:Planner:	Case No:				
Project Location:					
Proposed Property Details: ☐ Single-Family Residential ☐ Multi-Family Residential ☐ Other:	☐ Commercial ☐ Industrial				
Current Zoning: Proposed	Setbacks: FrontRear				
Zoning: Number of Buildings:	Side				
Parcel Size: Gross Floor Area/Total Units:	Historical Site:				
Floor Area Ratio/Density: Parking	Open Space (%)				
Required: Parking Provided:					
Existing Condition:	<u> </u>				
General Plan Designation:					
Description of Request:					
DEVELOPMENT SERVICES DEPARTMENT					



CITY OF BUCKEYE PLANNING AND ZONING PROJECT APPLICATION

Date:	Planner:	NOT WRITE IN THIS ARE	Case No		
Project Address/Location	1:			Date:	
Proposed Use:				Zoning District:	
	RESIDENTIAL	CALCULA	LIONE	TO BE COMB	U ETED BY CLTY
COMMERCIAL	RESIDENTIAL	CALCULAT Net Lot A		TO BE COMP	LETED BY CITY
		Gross Lot			
		Gross Floor Are			
		Gross Floor Are			
		Building Volum			
		Building Volum			
		Number of Un			
		Density Al			
		Density Pro			
		Minimum Lot Si			
		Minimum Lot Siz			
		Building Heigh			
		Building Heigh			
		Net Floor			
			Parking Spaces Required		
			Parking Provided On-Site		
			Parking Provided Off-Site		
			Total Parking Provided		
			Open Space Required		
		Open Space			
		Front Open Space			
		Front Open Spa			
		Parking Lot Landsca			
SET DACKS AND DADA	(ING REQUIREMENTS:	Parking Lot Landsc.	aping Provided		
REQUIRED	PROVIDED	CALCULATIONS	N, S, E, W	REQUIRED	PROVIDED
		Front			
		Rear			
		Left Side			
		Right Side			
		Parking			
	Deve	LOPMENT SERVI	CES DEPARTA	MENT	

530 East Monroe Ave, Buckeye AZ 85326 Phone 623.349.6211 Fax 623.349.6222

PUBLIC HEARING NOTIFICATION REQUIREMENTS

The City of Buckeye Development Code requires that a public hearing notice be posted, published, and mailed to adjacent property owners prior to a public hearing.

Prior to the public hearing the applicant shall be responsible for completing a minimum 15 day notification of the public hearing including:

- 1. A public hearing notice to be published in a newspaper of general circulation within the City of Buckeye;
- 2. A public hearing notice to be sent to all property owners within 300 feet of all property lines of the subject property; and

	pro	pperty lines of the subject property; and
3.	Αp	public hearing notice to be posted on the property.
		The applicant shall secure a public hearing date from the Development Services Department and shall complete the notice of public hearing by filling in the blanks of a standard Development Services Department form and delivering the public hearing notice to the newspaper within their time frame so that the public hearing notice is published at least 15 days prior to the public hearing date.
		Proof of publication shall be supplied by the applicant to the Development Services Department prior to the public hearing date.
		The applicant shall secure the names and addresses of all property owners within 300 feet of all property lines of the subject application property either through a title company or the Maricopa County Assessor's web site and shall send the public hearing notice to each said owner no less than 15 days prior to the public hearing date.
		The applicant shall provide a notarized Affidavit of the mailing list and said mailing to the Development Services Department prior to the pubic hearing date.
		The applicant shall post the property per the City of Buckeye Development Services Site Posting Requirements.
		The applicant shall submit a notarized Affidavit of Posting and photographs of the posting (see next page) to the Development Services Department prior to or on the fifteenth day prior to the public hearing date. Failure to provide such documentation in a timely manner will result in continuance of the case to the next available public hearing date.
		The signs must be maintained and updated with amended information until after the final public hearing.
		The signs must be removed and disposed of within 10 days after the final public hearing.
		You may use a sign vendor of your choice

Public Hearing Notice Sign Specifications

- The sign shall be a minimum of 3ft x 3ft in size.
- The sign shall be constructed of laminated coroplast, laminated plywood, or other suitable construction material.
- The sign shall have a white background with black lettering. The least expensive process is laminated direct printing.
- The minimum lettering size shall be 1/2 inch for lowercase and 1 inch for upper case.
- The words "Public Hearing" shall be a minimum of 2 inches in size. (Sign lettering should be formatted to match the example below).
- The content of the sign shall match the example below and include specific case details.
- The sign shall be securely fastened to wooden or metal stakes.
- The applicant is responsible for maintaining the integrity and accuracy of the sign.
- The height of the sign shall be at least 4 ft from finished grade to top of sign and shall not be obstructed from view.

City of Buckeye

PUBLIC HEARING
Board of Adjustment: [Date and Time]

LOCATION OF HEARINGS:
REQUEST:
PROPOSAL:
GENERAL LOCATION:

SIZE:

CASE #:

APPLICANT/CONTACT:

PHONE #:

Development Services Department: 623-349-6211

Posting Date:

Format for Publication

City of Buckeye

NOTICE IS HEREBY GIVEN that the City of Buckeye Board of Adjustment public hearing on (day of week), (month) (date), 20 in the City Council 530 E Monroe Avenue, Buckeye, Arizona, at 6:00 p.m., for the purpose of persons for or against the following request:	Chambers,
Case No (insert case number): Request by (name of apthe approval of a (name of application type and general description) located location of subject property by street location and brief township/rage/sedescription).	at (general
For additional information, please contact the Development Services Dep (623) 349-6211	artment at

Affidavit of Sign Posting

Case Number:					
Project Name:					
Applicant Name:					
Location:					
In order to assist in State Statue, the application as prescribed by the responsibility of subject property final disposition applicant to remode the case.	pplicant for publicant for publicant the applicant the and to update the case.	c hearings in the Site Posting to erect and the hearing lt shall a	n the City of E ng Requirement nd to maint information lso be the	Buckeye shall pents." It shall a sain the sign on the sign responsibility	oost signs I be the on the until the
I confirm that the s Requirements for th to the public hearing	ne case above and		,	•	•
See attached date s	stamped photo exhi	ibit of poste	d signs.		
Applicant's / Repres	sentative's signatur	e:			
SUBSCRIBED AND S	SWORN before me	this c	day of	, 20_	, by:
Notary Public					
My Commission Exp	oires:				
applicant to remoof the case. I confirm that the sequirements for the to the public hearing. See attached date sequirement's / Represequirement's / Represequirement's / Represequirement's / Represequirement's / Represequirement / Represequ	site has been postene case above and g. stamped photo exhibitions signature. SWORN before me	ed as detailed the site was ibit of poste	ed by the City posted at least	of Buckeye Sitst fifteen (15)	e Postin

Affidavit of Mailing Notice

Case Number:				
Project Name:				
Applicant Name:				
Location:				
In order to assist in pro State Statue, the appli names and addresses the subject application Assessor's web site and than fifteen (15) days	icant for public heari of all property owne property either thro d shall send the publ	ngs in the City of rs within fee ugh a title company ic hearing notice to	Buckeye shall sec et of all property y or the Maricopa	ure the lines of County
I confirm that I secure feet of all property li company or the Marico notice to each said own	nes of the subject opa County Assessor	application propert's web site and did	ty either through I send the public	a title hearing
See attached copies of	all sent letters and a	ddress lists.		
Applicant's / Represent	ative's signature:			
SUBSCRIBED AND SWO	ORN before me this _	day of	, 20	, by:
Notary Public				
My Commission Expires	s:			